

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 351 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.PANDIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

SURESH VISNUDAS SHARMA

Appearance:

PUBLIC PROSECUTOR for Petitioner

CORAM : MR.JUSTICE S.D.PANDIT

Date of decision: 23/10/96

ORAL JUDGEMENT

This revision application is filed by the State against the order of the learned Sessions Judge, Junagadh on the application filed by the Special Public Prosecutor on 3.10.96 in Sessions Case No. 106/94.

2. The order in question was first tried to be challenged before this court by filing a similar

application through original complainant and when the arguments were heard on merits at the time of admission, said application was withdrawn by the original complainant and again the State has come before this court to get the same relief.

3. The complainant was in the witness box and during his examination in chief, certain documents were shown to him on the first date of his examination in chief on 1.8.86. These documents which were shown to him on that day, were not the original documents and consequently objections for exhibiting the same was taken by the learned advocate for accused. At that time, it was submitted that the original which are there with the prosecution and the same would be produced on record and therefore, the learned Sessions Judge ordered that the question as to whether said documents are to be exhibited or not, would be considered and finally decided by him at the time of final judgment in the matter. Then on the on the next date i.e. 3.10.96, the original documents were produced and the complainant was examined as regards the contents of the documents and thereafter, an application was filed by the Spl.P.P. contending before the learned Sessions Judge that said original documents which are produced, should be exhibited on record as regards those pages which are referred to and proved by the said witness. Again, objection was taken for exhibiting the same by the learned advocate for the accused and the learned Sessions Judge passed his order by saying that he would consider the said documents as well as the objections raised by the learned advocate for the accused at the time of final arguments in the matter and pass necessary order in the final judgment itself and that it was not necessary to pass an order on the said application so as to indicate as to whether said documents to be exhibited or not. Against the said order, the State has come in revision before this Court.

4. At the out set it may be stated that there is no rejection of the application of the Spl.P.P. by the learned Sessions Judge. The learned Sessions Judge has considered the objections raised on behalf of the accused during the examination of the witness whose examination in chief is yet to be completed. Therefore, in view of the said circumstances, if the learned Sessions Judge feels it proper not to pass any order regarding exhibition of the documents at this stage, it could not be said that the learned Sessions judge has committed any illegality or irregularity so as to interfere with the said order by exercising revisional jurisdiction. It is

not a case that the learned Sessions Judge has refused to take on record the documents produced by the prosecution. The learned Sessions Judge has allowed the prosecution to produce the documents and has also allowed the parties to refer to the said documents and as the examination of the witness who has referred to the said documents has yet to be completed. The learned Sessions Judge has thought that it would not be proper at this stage to pass any order regarding exhibition of the documents. In my view, by taking such a view the learned Sessions judge has not committed any illegality or irregularity so as to interfere with the order by exercising either revisional jurisdiction or inherent jurisdiction of this Court either under section 397 Cr.P.C. or 487 Cr.P.C. I therefore, reject this application summarily.

(S.D.Pandit.J)